

REMARKS

Claims 6-15 and 20-25 are pending in the application. Claims 6 and 11 have been amended and new claims 20-25 have been added by this response. Reconsideration and allowance of Applicant's claims are respectfully requested.

In review of the claims in preparation of this response, Applicant noted that claim 6 may have lacked clear antecedent basis for "the aggregated packet." Therefore, Applicant has amended the claim to provide this antecedent basis. The amendment to claim 11, line 6, corrects a typo by changing "packet" to "packets." Both of these amendments are directed to formalities and not to matters of patentability.

Claims 8 and 13 were rejected under 35 U.S.C. § 112, 2nd paragraph, as allegedly being indefinite. In particular, the Action states "The recitation of 'the data section preceding the corresponding data packet' is vague and indefinite because it lacks a clear and adequate antecedent basis." Applicant respectfully submits that claim provides clear and antecedent. "The data section" refers to the "a data section" that corresponds to each packet as recited in the claim.

The Action goes on to state "Moreover, it is not clear to which data packet does the recitation refer." Claims 8 and 13 read "the aggregated packet includes a data section corresponding to each of the at least two data packets, the data section preceding the corresponding data packet." Applicant respectfully submits that a plain reading of this claim states each of the at least two data packets has a corresponding data section, and that the data section precedes its corresponding data packet.

Therefore, it is respectfully submitted that the claims particular points out and distinctly claims Applicant's invention, and it is requested that this rejection be reconsidered and withdrawn.

Claims 6, 7, 11, and 12 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 6,842,446 to Everson et al. ("Everson"). This rejection is respectfully traversed.

Applicant's claim 6 recites, among other things, "a an aggregation module for receiving the plurality of data packets from the buffer manager and aggregating at least two data packets

having a same destination address among the plurality of received data packets to form an aggregated packet, wherein a header of each of the at least two data packets includes length information and a destination address, and a header of the aggregated packet includes a destination address which is identical to the destination address included in the header of the at least two data packets.” Everson is silent with regard to at least these features of Applicant’s claim 6.

Everson describes transmitting data from the network device 20 to the remote device 40 using the access aggregator 24. The network device 20 sends data to the access aggregator 24 for transmission to the remote device 40. The data may be a stream of packets of IP packets. Each IP packet may be destined for the remote device 40. The access aggregator 24 divides the packets received from the network device 20 into sub-streams. The access aggregator 24 transmits the sub-streams over respective transmission channels to the network interface. For example, one sub-stream may be transmitted over one communication channel, while another sub-stream may be transmitted over another communication channel. The sub-streams may be received by the network interface 26. The network interface 26 may reconstruct the original data stream from the sub-streams. Finally, the reconstructed data stream can be sent to the remote device 40. Therefore, Everson transmits a plurality of packet streams and a plurality of packets, but does not describe forming an aggregation data packet by aggregating data packets.

In marked contrast, Applicant’s claimed invention recites aggregation of data packets. As pointed out above, Everson is directed to aggregation of access to sever data channels. Everson divides a stream of individual data packets destined for a particular device into sub-streams of individual packets for transmission over several channels. However, Everson does not describe or suggest aggregating at least two data packets to form an aggregated packet as recited in Applicant’s claim. As Everson does not describe each and every element of Applicant’s claimed invention, Everson cannot anticipate claim 6.

Similarly Applicant’s claim 11 recites, among other things, “aggregating at least two data packets having a same destination address among the plurality of received data packets; and generating an aggregation packet by adding a header to the aggregated packets.” Everson is silent with regard to at least these features of Applicant’s claim 11.

In particular, as pointed out above, Everson does not describe aggregating two data packets to generate an aggregation packet. In marked contrast, Everson sends streams of individual data packets over the communication channels.

If the rejection of claims 6 and 11 is maintained, it is respectfully requested that it be pointed out specifically where Everson describes an aggregation packet, as recited in Applicant's claims.

It is respectfully submitted that claims 7 and 12 depend from claims 6 and 12, respectively, and are allowable for at least the reasons given above for claims 6 and 12.

Since Everson does not describe each and every element of Applicant's claim, it cannot serve as a basis for rejection under 35 USC § 102(e). Therefore, it is respectfully requested that the rejection of claims 6, 7, 11, and 12 be reconsidered and withdrawn.

Claims 8 and 13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Everson in view of Applicant's alleged admitted prior art of Fig. 2. This rejection is respectfully traversed.

Claims 8 and 13 depend from claims 6 and 11 respectively. Claims 6 and 11 both recite the data packets aggregated include destination and length information in the header. However, Fig. 2 and its corresponding description are silent with regard to a header including length information.

As a result, the proposed combination fails to describe or suggest all of the elements of Applicant's claims 8 and 13 therefore does not establish a *prima facie* case of obvious under Section 103 with regard to claim 8 and 13. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 9, 10, 14, and 15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Everson in view of U.S. Patent Application Pub. No. US 2004/0174877 to Masputra et al. ("Masputra"). This rejection is respectfully traversed.

Claims 9, 10, 14, and 15 ultimately depend from claims 6 and 11, respectively. It is respectfully submitted that Masputra does not provide for any of the deficiencies of Everson noted above with respect to claims 6 and claim 11, and these claims are believed to be allowable for at least the reasons given above for claims 6 and 11.

In particular, Masputra also does not describe formation of an aggregation packet. Masputra describes aggregating packet data in a buffer at a receiver for use by a data application. Header data is removed from the packets, and the packets are aggregated or stored in a buffer for use by the application. However, no description is provided of forming Applicant's claimed aggregation packet, and transmitting the aggregation packet in a wireless communications system.

As a result, even if assuming *arguendo* that Masputra is combined with Everson, the combination fails to describe or suggest all of the elements of Applicant's claims and therefore does not establish a *prima facie* case of obvious under Section 103 with regard to claims 9, 10, 14, and 15. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

It is respectfully submitted that all claims are in condition for allowance, and early notice of the same is respectfully solicited. If any questions remain, the Examiner is invited to contact Applicant's representative at the telephone number listed above.